

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6119**

**BILL NUMBER:** SB 174

**NOTE PREPARED:** Feb 3, 2015

**BILL AMENDED:** Feb 3, 2015

**SUBJECT:** Sentence Modification.

**FIRST AUTHOR:** Sen. Young R Michael

**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A.     *Sentence Modification Procedures for Persons Sentenced Prior to July 1, 2014* – It makes a person sentenced before July 1, 2014, eligible for sentence modification on the same terms as a person sentenced on or after that date.
- B.     *Ineligibility for Sentence Modification* – It also makes persons convicted of certain offenses ineligible for sentence modification.

**Effective Date:** Upon Passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) *Sentence Modification Procedures for Persons Sentenced Prior to July 1, 2014* – This provision should result in minimal workload change in criminal courts and potentially more hearings for prosecuting attorneys.

Persons who were convicted prior to July 1, 2014, are currently permitted to petition to the sentencing court an unlimited number of times to either reduce or suspend the person's sentence. The court could consider the petition only if the prosecuting attorney approved the petition.

Persons who have been convicted of crimes after July 1, 2014, may petition twice for a sentence modification for the same prison sentence. If the prosecuting attorney does not approve the petition, the court must set a

hearing to consider the petition.

(Revised) *Ineligibility for Sentence Modification* – Besides credit-restricted felons, persons sentenced for the following felonies would no longer be permitted to petition for a sentence modification.

Murder	Rape
Attempted murder	Criminal deviate conduct(before its repeal).
Voluntary manslaughter	Child molesting
Involuntary manslaughter	Sexual misconduct with a minor as a Level 1 or a Level 2 felony
Reckless homicide	Robbery as a Level 2 or a Level 3 felony
Aggravated battery	Burglary as a Level 1, Level 2, Level 3, or Level 4 felony
Kidnapping	

Excluding these persons from eligibility for a sentence modification would reduce the work load in trial courts.

[The sentence modification statute permits an offender who was committed to Department of Correction (DOC) to file a petition to have their sentence either reduced or suspended (placing the offender on probation).]

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Trial Courts with criminal jurisdiction; Prosecuting attorneys.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.